

VZCZCXYZ0003  
PP RUEHWEB

DE RUEHUP #1209 3531331  
ZNR UUUUU ZZH  
P 181331Z DEC 08  
FM AMEMBASSY BUDAPEST  
TO RUEHC/SECSTATE WASHDC PRIORITY 3708  
INFO RUEHBW/AMEMBASSY BELGRADE 0009  
RUEHSL/AMEMBASSY BRATISLAVA 1041  
RUEHBM/AMEMBASSY BUCHAREST 1435  
RUEHLJ/AMEMBASSY LJUBLJANA 0047

UNCLAS BUDAPEST 001209

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E.O. 12958: N/A

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SUBJECT: MAGYAR GARDIA - THE LONG-AWAITED COURT RULING

REF: BUDAPEST 673 AND PREVIOUS

11. Summary. The Budapest Municipal Court ruled December 16 to disband the Magyar Garda Association. The Association will appeal the ruling. However, the Magyar Garda Movement, not a legal entity under the law, remains in place with potential anti-Roma demonstrations likely down the road. End summary.

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Magyar Garda Gone - Maybe  
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12. On December 16 the Budapest Municipal Court, concluding a nine-month on-again, off-again trial, finally ruled on the case brought by the Chief Prosecutor's Office to disband the extreme right-wing Magyar Garda. A key element of the trial centered on the fact that the Magyar Garda Association is a legally registered entity under Hungarian law. Although the MGA leader and right-wing Jobbik party President Gabor Vona established a "Magyar Garda Movement" - which is not a legal entity - earlier this year in an attempt to circumvent the legal definition, the Court ruled that both entities are directly linked, in particular through financial donations. As evidence, the Prosecutor provided a secretly recorded video clip showing Vona explaining to the MGA national assembly in September the connection between the Association and the Movement. In response, Vona, who claims there is no legally binding connection between the two entities, has now filed a law suit claiming the video violated his right to privacy.

13. Continuing, the Court ruled to disband the Magyar Garda Association (MGA) that came into existence in August 2007, finding that the MGA's founding documents' expressed purpose is to preserve Hungarian culture but that their actions actually violated the Hungarian Law on Associations. Specifically, the Court cited a MGA rally in the town of Tatarszentgyorgy in March 2008, when members of the para-military group intimidated the Roma inhabitants, calling "gypsy crime" a threat requiring the MGA's response. The Court stated that the anti-Roma atmosphere created by the MGA violated the human dignity of the Roma minority as well. Following the decision, the MGA lead lawyer said the Association will appeal the ruling, delaying a final decision on the fate of the Magyar Garda Association until 2009.

14. The trial drew considerable public and media attention and was delayed in early September when the presiding judge stepped down after receiving threats. Although far-right demonstrators attended each court session, their response to the Court's decision so far has been without incident, perhaps influenced by a significant police presence in and around the court house. In an incident prior to the Court decision, one of the Magyar Garda's key leaders, Attila Szabo

and his wife were attacked in their home by three intruders the evening of December 15. The Szabos, not surprisingly, both claim that the attackers were Roma but that has not been confirmed by law enforcement authorities.

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Potential Demonstrations Ahead  
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15. Even if the court's ruling stands on appeal, we still anticipate further anti-Roma demonstrations, as the Magyar Garda Movement is not affected by the Court's decision. Vona made a calculated and clever decision to establish the Magyar Garda Movement earlier this year. With only ten members in the Association, but well over 1500 in the Movement, the Magyar Garda will continue to draw support. It may even grow as the current economic situation exacerbates the financial situation of many Hungarians, in particular, those in the smaller villages and towns away from Budapest with a significant Roma population. The court's decision is legally correct and politically important - but it will not in itself put an end to the Garda.  
Foley